IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 6050 of 2007(T)

PETITIONER:

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P. NARAYANAN NAMBIAR, AGED 62 YEARS,
S/O. OTHENAN NAMBIAR, ANANTHOTH HOUSE, KUILOOR,
PADIYOOR POST, KANNUR DIST., KERALA.

BY ADV. SRI.M.SASINDRAN

RESPONDENTS:

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1. UNION OF INDIA,
REPRESENTED BY SECRETARY, MINISTRY OF DEFENCE,
NEW DELHI.

2. DIRECTOR GENERAL OF TERRITORIAL ARMY,
GENERAL STAFF BRANCH,
ARMY HEADQUARTERS, L.BLOCK,
CHURCH ROAD, NEW DELHI.

3. CHIEF OF ARMY STAFF,
ARMY HEADQUARTERS, NEW DELHI.

BY ADV. SRI.M.L.SURESH KUMAR, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**V.GIRI, J.**

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**W.P.(C).No.6050 of 2007 T**

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**Dated this the 10th day of December, 2007.**

## JUDGMENT

According to the petitioner, he had rendered 9 years in the service of Territorial Army as a Gunner. He was discharged from service as per Ext.P1 on 7.8.1976. Unfortunately, he was subjected to hospitalisation for serious ailment and at this juncture, he sought for the facilities under the Ex-servicemen contributory health scheme. Apparently, benefits under the said scheme are available only to persons with the status of Ex-servicemen drawing pension. It is therefore that the petitioner also sought for a pension. The claim made by the petitioner in this regard under Ext.P4 was dealt with under Ext.P6, wherein it is stated that the minimum qualifying service for any pensionary

benefits under the Ex-servicemen contributory health scheme was 15 years. Admittedly, the petitioner has only 10 years service. Ext.P6, therefore, cannot be faulted with.

2. Ext.P6 states the minimum eligibility for pension. If there is any other ground by which the petitioner is entitled to, he will be entitled to prosecute his remedies before the appropriate forum. I do not find any ground to interfere with Ext.P6. As noted above, the petitioner's claim for pension cannot be considered.

Subject to the above observation, the writ petition is disposed of.

Sd/-
**(V.GIRI)**
**JUDGE**

sk/

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P.S. To Judge